APPROVED FOR RELEASE 2025 UNDER EXECUTIVE ORDER 14176

U.S. Department of Justice

Civil Rights Division

BFK:bbm
DJ 144-72-1991

Criminal Section
P.O. Box 66018
Washington, D.C. 20035-6018

NOV 3 1999

Mr. Robert J. Eatinger
Chief, Litigation Division
Office of General Counsel
Central Intelligence Agency
Washington D.C. 20505

Dear Mr. Eatinger:

Enclosed is a copy of pages 11 and 51-53 of the text from the draft of our planned public report regarding our recent investigation of new allegations related to the King assassination. Those pages refer, among other things, to our review of the documents supplied by your agency in response to our letter to Mr. Caudle of February 17, 1999. We agreed to share with you in advance of public release what we intended to state in our report about documents supplied by your agency which we reviewed. To assist you, I have highlighted the relevant portion of the text.

Your office collected documents pursuant to our request for information in your agency's files related to (1) the activities of Marrell McCollough in Memphis in March and April 1968, (2) the activities of any members of the Memphis Police Department in that time period, and (3) the activities of any federal asset from your agency, other federal agencies or national security or military intelligence resources in Memphis during that same time period. You had previously permitted us to review Mr. McCollough's personnel file.

Because we do not want to name persons against whom unfounded accusations have been made in our public report, we do not identify such individuals by their names. Instead, we use descriptive words. The persons whom our draft report refers to as the "Lieutenant," "Homicide Inspector," and "Former Partner" are former Memphis police officers, Earl Clark, Neville Zachary, and

John Barger, respectively. The "Undercover Officer" is Marrell McCollough.

Please advise if you have any concerns about the draft language.

Sincerely,

Barry F. Kowalski
Special Litigation Counsel
Criminal Section

Enclosures

This investigation was not initiated to consider every allegation and all speculation about the assassination of Dr. King. Rather, the Attorney General specifically limited the scope of the investigation to Jowers' and Wilson's recent allegations and logical leads resulting therefrom. We respected the limits of our mandate.

Nevertheless, we did make some logical exceptions to the limited scope of our investigation. For example, we approached Ray's brother, John Ray, regarding his claim that he had important information relevant to the assassination. We also utilized AFIS, a computerized fingerprint comparison system, not available to investigators in the 1960s and 1970s, in an attempt to identify previously unidentified fingerprints collected during the initial criminal investigation. Neither effort developed useful evidence. See Section VII.A. and B.

During our investigation, various private parties presented allegations unrelated to those made by Jowers and Wilson. For example, Dr. Pepper alleged that the United States military and the federal intelligence community, as well as certain ministers closely associated with Dr. King, were involved in the assassination. Because these accusations and others like them were inherently suspect, beyond the scope of our investigative charge, and unsupported by sufficiently credible evidence, we did not focus on them.[5]

This report presents a general discussion of factual information about the assassination and our specific findings and conclusions relating to the Jowers and the Wilson allegations. Section III of the report provides a brief overview of the events surrounding the assassination. We consider Jowers' allegations in Section IV, Wilson's allegations in Section V, allegations relating to "Raoul" in Section VI, and several ancillary issues in Section VII. We conclude with our recommendation in Section VIII.

As a matter of fairness, we do not provide the names of persons accused of wrongdoing unless there is credible evidence to substantiate the accusation or they have already been the subject of substantial media attention. We nevertheless provide all the information necessary to understand the accusations against them.

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[5] Dr. Pepper's allegations were not, however, ignored. As to the materials we reviewed, including CIA and FBI records, we found no evidence to support his claims. Additionally, we advised the ministers of the allegations against them. Their responses, along with everything else available to our investigation, provided no reason for further inquiry.

Redditt has denied directly requesting the removal of Wallace and Newsum. However, in a report he wrote and gave to Inspector Tines prior to the assassination, he expressed concern that they would impede surveillance because of their allegiance to the sanitation workers.[31] In addition, during our investigation, Inspector Tines recalled that Redditt and Detective Arkin had complained about an African American fireman who could "blow [Redditt and Richmond's] cover." Tines then requested a transfer. It is thus evident that Newsum and Wallace were reassigned because of the police department's concern about maintaining clandestine surveillance of the Lorraine, not to facilitate the assassination.

In the end, we found no evidence to support any of the old allegations that the police purposefully removed "security" forces from the area of the Lorraine to facilitate the assassination. Since Jowers only vaguely restated those unproven allegations, we obviously found no evidence to support his claims either.

(2) Alleged meeting of police officers at Jim's Grill

In the more recent versions of his "confession," Jowers alleged that several Memphis police officers met in Jim's Grill to plot the assassination. As discussed in Section IV.C.2.e., above, Jowers claimed that a deceased "Lieutenant," his deceased "Former Partner," an African American "Undercover Officer," and the "Homicide Inspector" participated in the plan.

Jowers' account is suspiciously vague. Jowers told Dexter King that he "had no idea what the officers were talking about and I just got a word here and there," and "[w]asn't really too concerned about it 'cause I didn't want to know about it." He nonetheless claimed that he "knew it was something illegal whatever it was," but did not provide any other information.

Because Jowers admittedly claims to have heard nothing about an assassination plot, Dr. King, a shooting, or anything specific at all, his bald assertion that officers were discussing "something illegal" is pure conjecture. His contention that he "got a word now and then" is hardly specific enough to invest the claim with more substance, especially since he does not even recount what the "word[s] now and then" were. Accordingly, even if a meeting of some officers took place, as Jowers asserts, he offers no evidence to suggest it related to the assassination.

Notwithstanding the vagueness of Jowers' account, we found no evidence to suggest that the meeting, in fact, occurred. While we did learn that an FBI agent interviewed uniformed patrol officers at the grill during the two days Dr. King was in Memphis, we found nothing to suggest that those meetings involved any of the plainclothes, non-uniformed, ranking officers Jowers has accused.

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[31] Sealed HSCA materials suggest that the genesis of the report was Redditt's experience at Mason Temple on the evening of April 3. After he observed Newsum talking to Reverend Blackburn, Blackburn approached him and said that it was known that he was spying from the fire station.

Former FBI agent Howell Lowe was responsible for investigating the activities of groups that the FBI thought to be subversive. Lowe told us that he, his partner, and the Memphis Police Department's Intelligence Unit worked together to investigate one such group in Memphis, the Invaders, who rented a room and congregated at the Lorraine during Dr. King's stay. Because of the FBI's interest in the Invaders, Dr. King, and the Southern Christian Leadership Conference, Lowe and his partner monitored activities at the motel on April 3 and 4. In connection with the assignment, Lowe arranged meetings with regular uniformed patrolmen in the area. A few of these meetings, he recalled, took place at Jim's Grill, since it was a convenient place to talk away from police activity at Fire Station No. 2.[32]

Lowe explained that he never met with and did not personally know the "Homicide Inspector," the "Former Partner" or the "Lieutenant." He worked with the "Undercover Officer," but said he never met or saw him at Jim's Grill.[33] Lowe's meetings at the grill involved patrol officers only, not ranking officers, and the sole purpose of the meetings was to gather information about who was coming in and out of the Lorraine. Accordingly, neither Lowe nor any other witness or evidence corroborates Jowers' claim that the "Homicide Inspector," the "Former Partner," the "Lieutenant" or the "Undercover Officer" was ever involved in a meeting — or even present — at the grill.

The investigative team also found no evidence to suggest that the "Homicide Inspector," the "Former Partner," the "Lieutenant" or the "Undercover Officer" were otherwise involved in a plot to assassinate Dr. King. None of the witnesses we interviewed had any information tying them to the crime. Nor do any of the volumes of documentary evidence we reviewed — including previously unexamined, sealed documents from the HSCA and materials from the FBI and CIA, some of which are classified — suggest they were in any way involved.

We also interviewed the "Homicide Inspector," who fully cooperated with the investigation. He denied any involvement in the assassination and further denied having been in Jim's Grill prior to the crime. He said he may have briefly stepped inside afterward, on the night of April 4, 1968, but only because his investigators were there with potential witnesses. In addition, the "Homicide Inspector" submitted a sworn affidavit in which he stated that Jowers' allegations about him are false, that he never met with officers in Jim's Grill prior to the

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[32] One fireman assigned to Fire Station No. 2 confirmed Lowe's recollection that there was significant police activity in the area. He specifically recalled that during the week of Dr. King's visit, an unusual number of uniformed officers congregated at the fire station.

[33] Lowe speculated that the "Undercover Officer's" superior, Lieutenant Arkin, might have met with him in Jim's Grill near the time of the assassination. Lowe said that he made this assumption because Jim's Grill was a convenient place to meet with police at that time. Arkin, however, told us he never met the "Undercover Officer" in such a public place, although he acknowledged that the two otherwise met regularly. Additionally, as related in detail below, the "Undercover Officer" stated under oath that he was never in Jim's Grill.

assassination, and that he was not involved in a plot to kill Dr. King.

We also interviewed the "Undercover Officer." He advised that he worked in an undercover capacity with the Invaders.[34] As a result, he was in the parking lot of the Lorraine with Reverends Orange and Bevel when the shot was fired and may have been the first person to reach Dr. King on the balcony. Once on the balcony, he looked across the street in what he thought was the direction of the shot and saw no one in the backyard behind the buildings.

Like the "Homicide Inspector," the "Undercover Officer" said he did not plot to kill Dr. King, was never in Jim's Grill, and never met Jowers. Demonstrating his desire to resolve the allegations concerning him, he agreed to take a polygraph examination conducted by the United States Secret Service. Throughout that session and a subsequent interview, during which he was aggressively questioned, he consistently denied that he had any knowledge about a plot to assassinate Dr. King or ever went into Jim's Grill. The results of the polygraph examination show that the "Undercover Officer" passed a question designed to determine whether he was involved in an assassination plot. Specifically, he was found to be "not deceptive" when he denied plotting to harm Dr. King. However, as to his assertion that he never met with other police officers in Jim's Grill, the result was "inconclusive".[35]

Apart from interviewing and polygraphing the "Undercover Officer," our investigation reviewed records (including CIA files) pertaining to his activities and interviewed people who have had contact with him since before the assassination. Our inquiries revealed nothing to contradict his contention that he had no part in the assassination and was never in Jim's Grill. Moreover, he affirmed in a sworn affidavit that Jowers' allegations about him are false, that he never was in Jim's Grill or met Jowers, and that he was not involved in a plot to kill Dr. King.

We believe it is significant that the officers Jowers accuses of having conspired to kill Dr. King, as well as their friends and co-workers, fully cooperated with the investigation without seeking immunity or any other consideration. In contrast, Jowers did not cooperate, despite having demanded and been offered the opportunity to obtain immunity. See Section IV.F. Jowers' conduct, unlike that of the "Homicide Inspector," the "Undercover Officer" and other

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[34] In 1974, after several more years with the Memphis Police Department, the "Undercover Officer" was hired by the CIA. He still works there and has had a successful career.

[35] These results were obtained from the third in a series of polygraph examinations. The first two examinations in the series did not present specific questions like the third. Instead, they presented a total of four, almost identical, general questions about the truthfulness and accuracy of a written statement, prepared by the "Undercover Officer" before the examination, which contained a number of different factual assertions. The "Undercover Officer's" responses to these four general questions about the written statement were evaluated as inconclusive and, in one case, deceptive. Because of these inconsistent, indeterminate results, the polygraphers decided to ask narrowly-tailored, specific questions in the final examination.